

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

In Re: Keith Lezama	Case Number 16-11473-MSH Chapter 13
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**MOTION OF BANK OF AMERICA, N.A. AS LOAN SERVICER FOR THE BANK
OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWABS, INC., ASSET-BACKED CERTIFICATES,
SERIES 2006-8 TO STRIKE DITECH FINANCIAL LLC'S NOTICE OF
MORTGAGE PAYMENT CHANGE FILED ON MARCH 10, 2017**

Now comes Bank of America, N.A. ("Bank of America") as Loan Servicer for The Bank of New York Mellon FKA The Bank of New York, as Trustee for the Certificateholders of CWABS, Inc., Asset-Backed Certificates, Series 2006-8 ("Secured Creditor") and hereby moves to strike Ditech Financial LLC's Notice of Mortgage Payment Change filed on March 10, 2017. In support of this Motion, Secured Creditor states the following:

1. Secured Creditor is the holder of a mortgage (the "Mortgage") encumbering the Property known as numbered as *652 Plain Street, Stoughton, MA 02072* (the "Property"). The Mortgage was given by Keith Lezama a/k/a Keith C. Lezama (the "Debtor") and non-filing co-debtor, Marlene M. Long, to Mortgage Electronic Registration Systems, Inc. acting solely as a nominee for Countrywide Home Loans, Inc., and is dated May 2, 2006 and is recorded at Norfolk County Registry of Deeds in Book 23633, Page 522. Thereafter, the Mortgage was assigned to Secured Creditor. Bank of America, N.A. is the currently servicer of the Mortgage.
2. The Mortgage secures a promissory note given by the Debtor and non-filing co-obligor, Marlene M. Long, to Countrywide Home Loans, Inc. in the original principal amount of \$418,400.00 (the "Note"). Secured Creditor or its custodian and/or agent is, as of the date hereof, in possession of the Note. Secured Creditor is an entity entitled to enforce the Note.
3. On or about October 7, 2016, the Debtor filed a surrogate Proof of Claim for his mortgage loan serviced by Bank of America (Claim No. 4).
4. On or about March 10, 2017, Ditech Financial LLC filed a Notice of Mortgage Payment Change and linked said Notice to Bank of America's Claim No. 4.

5. On or about March 14, 2017, the Court issued an order of deficiency (Doc. No. 38) requiring the filing of a Transfer of Claim to substantiate the connection between the Bank of America loan and the Notice of Mortgage Payment Change filed by Ditech Financial LLC.

6. On or about March 23, 2017, Secured Creditor filed a Response to the Court's Deficiency Order (Doc No. 41) indicating that no such connection between the Bank of America loan and Ditech Financial LLC exists.

7. As noted in said Response, upon information and belief, the subject claim has not been transferred from Bank of America to Ditech Financial LLC. Bank of America has been and continues to act as servicer for the subject claim and mortgage account. Accordingly, no Transfer of Claim appears warranted, and Bank of America submits that the Court should strike the Notice of Mortgage Payment Change filed by Ditech Financial LLC as having been filed in error.

WHEREFORE, Secured Creditor respectfully requests that the Court:

- (1) Strike the Notice of Mortgage Payment Change filed by Ditech Financial LLC; and/or
- (2) Order such further relief as this Court deems just and proper.

Dated: July 12, 2017

Respectfully submitted,
Bank of America, N.A. as Loan Servicer for The Bank
of New York Mellon FKA The Bank of New York, as
Trustee for the Certificateholders of CWABS, Inc.,
Asset-Backed Certificates, Series 2006-8
By its attorney,

/s/ Marcus Pratt
Marcus Pratt, Esquire
BBO #684610
Korde & Associates, P.C.
900 Chelmsford Street, Suite 3102
Lowell, MA 01851
Tel: (978) 256-1500
bankruptcy@kordeassociates.com

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CERTIFICATE OF SERVICE

I, Marcus Pratt, Attorney for **Bank of America, N.A. as Loan Servicer for The Bank of New York Mellon FKA The Bank of New York, as Trustee for the Certificateholders of CWABS, Inc., Asset-Backed Certificates, Series 2006-8** hereby certify that on July 12, 2017 I electronically filed the foregoing *Motion to Strike* with the United States Bankruptcy Court for the District of MA using the CM/ECF System. I served the forgoing documents on the following CM/ECF participants:

John Fitzgerald, Assistant U.S. Trustee
Carolyn Bankowski, Trustee
Colin Creager, Esquire

I certify that I have mailed by first class mail, postage prepaid the documents electronically filed with the Court on the following non-CM/ECF participants:

Keith Lezama
652 Plain Street
Stoughton, MA 02072

Ditech Financial LLC
P.O. Box 6154
Rapid City, SD 57709-6154
Attn.: Ellen Pote

Marlene M. Long
652 Plain Street
Stoughton, MA 02072

Ditech Financial LLC
P.O. Box 6172
Rapid City, SD 57709

/s/ Marcus Pratt
Marcus Pratt, Esquire
BBO #684610
Korde & Associates, P.C.
900 Chelmsford Street, Suite 3102
Lowell, MA 01851
Tel: (978) 256-1500
bankruptcy@kordeassociates.com